

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-5, 13, 19, and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over JP 11-127290 to Hisashi ("*Hisashi*") in view of U.S. Patent No. 6,348,971 to Owa et al. ("*Owa*"); rejected claims 6-12, 15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Hisashi*, in view of Owa, and further in view of U.S. Patent No. 7,061,391 to Hopper et al. ("*Hopper*"); rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over *Hisashi*, in view of Owa, and further in view of U.S. Patent Application Pub. No. 2004/0080773 to Jamison et al. ("*Jamison*"); and rejected claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Hisashi*, in view of Owa, and further in view of in view of U.S. Patent No. 7,173,718 to Iwata et al. ("*Iwata*").

Applicant respectfully traverses the rejection of claims 1-5, 13, 19, and 22-24 under 35 U.S.C. § 103(a).

Claim 1 recites an image forming system comprising, for example:

...
the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory.

(emphasis added).

Hisashi discloses a system with two or more digital image formation equipment (paragraph 0005). The Examiner correctly states that *Hisashi* does not teach or suggest "storing usage histories of the latent image carriers of the image forming

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in memory” (Final Office Action at page 3). Therefore, *Hisashi* does not teach or suggest the claimed combination of elements including, for example, “the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory,” as recited in claim 1.

Owa does not cure the deficiencies of *Hisashi*. *Owa* discloses “a printing system comprising a plurality of printers and a host computer that can selectively drive the printers” (col. 2, lines 14-16). According to *Owa*, status monitor section 13 may monitor the status of printers 2a-2d and 5 and retain “the most recent status information” (col. 4, lines 7-8). This information may include an operation state (i.e. “printing power saving state, error state, data amount waiting for print, etc.”) and a consumable state (i.e. “paper size, paper type, remaining paper amount, remaining toner amount, remaining ink amount, etc.”) (col. 4, lines 9-13).

As described in *Owa*, Fig. 3 illustrates specifications of the printers, Fig. 4 illustrates printer status information (i.e. remaining paper and ink/toner), and Fig. 5 illustrates printer selection conditions (i.e. user selections). *Owa* merely discloses a current situation of the printers and the supplying materials for the printers. Information regarding the remaining paper and toner is completely different than “usage histories of the latent image carriers of the image forming apparatuses,” as recited in claim 1. *Owa* does not teach or suggest the claimed combination of elements including, for example,

“the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory,” as recited in claim 1.

Accordingly, *Hisashi* and *Owa* fail to establish a *prima facie* case of obviousness with respect to claim 1. Claims 2-4, 19, and 22-24 depend from claim 1 and are thus also allowable over *Hisashi* and *Owa* for at least the same reasons as claim 1. Independent claims 5 and 13, while of different scope than claim 1, are allowable over *Hisashi* and *Owa* for at least the same reasons as claim 1.

Regarding the rejection of independent claim 9, the Examiner cites *Hopper* to allegedly disclose “the use of [an] image forming system . . . having [a] unit for storing usage histories after maintenance of the image forming apparatuses” (Final Office Action at page 13). Applicant respectfully disagrees.

Hopper discloses “monitoring depletion of a consumable resource in a monitored system” (col. 1, lines 42-44). *Hopper* appears to disclose monitoring the reduced amount of the toner. However, claim 9 recites “the image forming system having memory to store usage histories after maintenance of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the usage history data.” Applicant submits that *Hisashi*, *Owa*, and *Hopper* do not teach or suggest at least the claimed “memory to store usage histories after maintenance of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the usage history data.”

Accordingly, *Hisashi*, *Owa*, and *Hopper* fail to establish a *prima facie* case of obviousness with respect to claim 9. Claim 9 is thus allowable. Claims 11 and 12 are also allowable at least due to their dependence from claim 9.

Regarding the rejection of claims 6-8 and 10, which depend from independent claim 5, claim 15, which depends from independent claim 13, and claim 18, which depends from independent claim 1, the Examiner relies on *Hopper* for allegedly disclosing the elements of these claims. Even assuming this allegation is correct, which Applicant does not concede, *Hopper* does not teach or suggest “the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory,” as recited in claim 1, similarly recited in independent claims 5 and 13, and required by dependent claims 6-8, 10, 15, and 18.

Therefore, no *prima facie* case of obviousness has been established, and claims 6-8, 10, 15, and 18 are also allowable over *Hisashi*, *Owa*, and *Hopper* for at least the same reasons as claims 1, 5, and 13.

Regarding the rejection of claim 14, which depends from claim 13, the Examiner relies on *Jamison* for allegedly disclosing “the use of calculating the photographic densities during image formation successively” (Final Office Action at page 16). Even assuming this allegation is correct, which Applicant does not concede, *Jamison* does not teach or suggest the claimed combination of elements including, for example, “the image forming system having memory to store information related to an average black ratio of developer after replacement and having a function of selecting image forming

apparatuses outputting the image based on the average black ratio obtained from the information,” as recited in claim 13 and required by dependent claim 14.

Therefore, no *prima facie* case of obviousness has been established, and claim 14 also allowable over *Hisashi*, *Owa*, and *Jamison* for at least the same reasons as claim 13.

Regarding the rejection of claims 20 and 21, which depend from claim 1, the Examiner relies on *Iwata* for allegedly disclosing “a display unit for displaying a list of the image forming apparatuses selected for outputting the image” (Final Office Action at page 18). Even assuming this allegation is correct, which Applicant does not concede, *Iwata* does not teach or suggest “the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory,” as recited in claim 1, and required by dependent claims 20 and 21.

Therefore, no *prima facie* case of obviousness has been established, and claims 20 and 21 are also allowable over *Hisashi*, *Owa*, and *Iwata* for at least the same reasons as claim 1.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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